



POLICE DEPARTMENT

March 15, 2023

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| In the Matter of the Charges and Specifications | : | Case No. |
| - against - | : | 2021-23883 |
| Police Officer Anthony Williams | : | |
| Tax Registry No. 959368 | : | |
| 111 Precinct | : | |

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At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

For the CCRB-APU: Dwayne Bentley, Esq.
Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, NY 10007

For the Respondent: Craig Hayes, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE KEECHANT L. SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

CHARGES AND SPECIFICATIONS

1. Police Officer Anthony Williams, on or about May 4, 2021, at approximately 0906 hours, while assigned to the 111 PCT and on duty, in front of 61-05 251st Street, Queens County, made offensive remarks to [REDACTED] based upon the perceived mental status of [REDACTED] without police necessity.

P.G. 203-10, Page 1, Paragraph 1

PUBLIC CONTACT –
PROHIBITED CONDUCT

2. Police Officer Anthony Williams, on or about May 4, 2021, at approximately 0906 hours, while assigned to the 111 PCT and on duty, in front of 61-05 251st Street, Queens County, was discourteous, in that he stated, “You’re choosing to be here when you know there’s an issue. To me, that’s a little psychotic,” to [REDACTED] without police necessity.

P.G. 203-09, Page 1, Paragraph 1

PUBLIC CONTACT –
PROHIBITED CONDUCT

P.G. 200-02

MISSION, VISION &
VALUES OF THE NYPD

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on February 9, 2023. Respondent, through his counsel, entered a plea of Not Guilty. The CCRB entered into evidence Body-Worn Camera footage from Respondent’s partner. Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner’s review. Having evaluated all of the evidence in this matter, I find Respondent Not Guilty.

ANALYSIS

On the morning of May 4, 2021, Respondent and his partner responded to a harassment call in front of a residence in Queens County. Upon arrival, the officers observed an individual (“the 911 caller”), sitting on the steps in front of his home, yelling and cursing at another person

from the neighborhood (“the complainant”), who was relatively quiet as he leaned against his vehicle which was parked near the front of the residence. The officers were at the scene for approximately 17 minutes, and their interactions with the two individuals were captured by the Body-Worn Camera (“BWC”) of Respondent’s partner. (CCRB Ex. 1). No arrests were made, and no summonses were issued.

It is alleged that near the end of their time at the location, Respondent made a discourteous and offensive remark to the complainant. Specifically, Respondent stated, “You’re choosing to be here when you know there’s an issue. To me, that’s a little *psychotic*.” There is no dispute that the comment was made: it is captured in the BWC footage, and Respondent admits to it. At issue is whether the use of the word “psychotic” constituted discourteous or offensive misconduct, considering the context and manner in which it was made.

In the BWC footage, Respondent’s partner initially approaches the 911 caller in order to calm him down. The officer then joins Respondent, who is standing near the complainant, and they ask him why he is there. The complainant replies that he does not wish to speak with them, then says “bye” approximately 14 times. He tells the officers he wants their names and shield numbers, and intends to call the CCRB. Respondent’s partner assures him that everything is being recorded, and the individual repeatedly calls the officer a liar. As the complainant retrieves a binder from his vehicle, Respondent calmly asks him if he is taking medication, since he appears agitated and unstable, and the officers are trying to get to the bottom of what is going on; the individual does not respond. The complainant appears to write down the names of each officer in his binder, but refuses to provide his own name. Respondent tries to explain to him that they are concerned that he is loitering in a school zone, and the complainant responds by speaking in French to the officer. (CCRB Ex. 1)

The officers return to the 911 caller, who complains that there is no reason for the complainant to come there and antagonize him and his family. After speaking with him for several minutes about his ongoing dispute with the complainant, the officers persuade the 911 caller that it is best if he goes back inside his residence. They then return to the complainant, who asks whether the officers questioned the 911 caller about taking medication. The complainant walks around his car pointing out scratches made by the 911 caller. He asks for the officers' business cards, which they provide. Respondent speaks to the individual about why he is at the location, and the complainant says that it is not a private street, and he has a right to be there. At about the 16:25 mark of the video, Respondent can be heard stating to the complainant, "You're choosing to be here when you know there's an issue. To me that's a little psychotic, you know what I mean?" The complainant responds that he thinks Respondent is psychotic, and the officer tells him he is entitled to his opinion. Respondent wishes him a good day, and the recording ends as the officers prepare to depart from the location. (CCRB Ex. 1)

During the incident, the complainant did, in fact, call the CCRB. He spoke with an investigator, who was handling a prior case involving the same civilian individuals. A transcript of that recorded phone call was admitted as Respondent's Exhibit A. The call begins with the complainant informing the investigator that the 911 caller was "starting up with [him] again." Later in the call, the complainant asserts that the 911 caller has everybody on his side.

Respondent also offered into evidence transcripts from a follow-up phone conversation that the complainant had with the CCRB the following day, May 5. (Resp. Exs. 2 & 3) During that call, the investigator offers to open a new complaint about his interaction with the officers. She asks the complainant to state, in detail, what happened the previous day. The complainant proceeds to describe in great detail his interactions with the 911 caller. He then states that

Respondent asked him whether he was taking medication, but does not initially mention anything about the officer saying that his decision to come there was “a little psychotic.” The investigator asks him if the officers said anything else to him, and the complainant responds, “no, not really.” Only after the investigator brings up the recording of the incident and specifically asks him about the “psychotic” reference does the complainant confirm that the comment was made. (Resp. Ex. B at 4; Resp. Ex. C at 3-9, 22-24)

Respondent testified that he was familiar with the two individuals from prior incidents between them. He also received updates from the precinct regarding their backgrounds, and was aware that they each had history as an Emotionally Disturbed Person. According to Respondent, it was based on this history, and the officers’ need to assess the situation, that he asked the complainant about whether he was taking medication. When that individual was uncooperative with them, the officers turned their focus to the 911 caller, who explained that he and his family were afraid to come outside because of the complainant. Respondent suggested to the 911 caller that he might be better off staying in the rear of his home to avoid the complainant. (Tr. 27-32, 35-39, 42)

The officers then returned to the complainant to continue their efforts to stabilize the situation. Respondent testified that he “was trying to defuse everything, and see if we can prevent further, you know, of the same things going on, and escalat[ing] in the future.” It was in this context that Respondent made the statement to the complainant in which he suggested that the decision to come to that location “over and over” struck him as a little “psychotic.” Respondent testified that he was merely encouraging that individual to change his actions, “so that we don’t have the same thing tomorrow, and this doesn’t escalate to a point where someone gets hurt and arrests have to happen.” (Tr. 33)

Specification 1 charges Respondent with making an offensive remark to the complainant, while Specification 2 alleges that the remark was discourteous as well. Section 203-10 of the Patrol Guide, in effect at the time of the incident, prohibits police officers from using discourteous or offensive language in their interactions with the public. It is undisputed that Respondent made the comment in question, namely, he stated to the complainant, “You’re choosing to be here when you know there’s an issue. To me that’s a little psychotic, you know what I mean?” At issue is whether, under the circumstances in which the remark was made, it constituted misconduct.

The complainant did not appear to testify. From the BWC footage, he appeared uncooperative in his interactions with the police officers, repeatedly refusing to answer questions, and even resorting to speaking to them in a foreign language in order to disrupt the conversation. In his interview with the CCRB the day after the incident, when asked to recount the details of what occurred, he focused primarily on his dispute with the 911 caller. The complainant initially made no mention of the comment made by Respondent where he used the word “psychotic.” Indeed, that remark first came up near the end of the interview, only after the CCRB investigator played back the audio from the incident and specifically asked the complainant about the comment.

Respondent, in contrast, testified in a detailed and logical manner, and he remained consistent in his description of the incident. He answered questions willingly, and I credit his account of what occurred. Moreover, his testimony regarding the encounter was consistent with what appeared on the BWC footage.

Specifically, in speaking with the complainant, Respondent was attempting to defuse a potentially volatile situation. Respondent appeared calm and measured throughout the

encounter, as he and his partner dealt with two individuals who had a history of confrontations.

Respondent persuaded the 911 caller to go back inside his home, and he attempted to convince the complainant that it was unwise for him to continue to engage with the 911 caller.

Respondent was not labelling the complainant as “psychotic,” nor was he using the word in a derogatory manner in order to demean or insult the complainant. Rather, Respondent was trying to dissuade the complainant from continuing to come to that location, with the hope that the conflict between the two individuals would not escalate to the point where someone was hurt.

To be sure, police officers have an obligation to speak to civilians in a professional and courteous manner. However, it also is important to consider the context in which an incident occurs. Based on the specific facts presented here, I find that Respondent’s use of the word “psychotic” did not rise to the level of actionable misconduct. Respondent was well-intentioned, as he attempted to persuade the complainant to voluntarily adjust his behavior, just as he had done with the 911 caller. Under these particular circumstances, I am not persuaded, by the credible evidence, that Respondent’s actions were wrongful. Accordingly, I find Respondent not guilty of Specifications 1 and 2.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials

APPROVED


JUL 28 2020
EDWARD A. CABAN
POLICE COMMISSIONER